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September 21, 2009

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**By Facsimile (212-805-4268)**

The Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Shea Development Corp., et al. v. Christopher Watson, et al.  
Case No.: 1:07-CV-11201 (DLC) (GWG)

Dear Judge Gorenstein:

I am writing in response to the Order entered on September 3, 2009, scheduling a status conference on September 24, 2009 and requiring the attendance of "[c]ounsel for each party to this action." Michael E. Twomey, with the law firm of Kantor, Davidoff, Wolfe, Mandelker, Twomey & Gallanty, P.C., and I received a copy of the Order presumably because we represented plaintiffs Shea Development during mediation and through the entry of a Settlement Judgment on February 3, 2009.

In June 2009, Mr. Watson's counsel instituted collections proceedings to enforce the settlement. At that time, Mr. Twomey and I informed Mr. Watson's counsel that we had not been retained to represent Shea Development in connection with the enforcement proceedings. Mr. Watson's counsel so informed the Court by letter dated June 16, 2009, a copy of which is attached. To date, Mr. Twomey and I have not been retained to represent Shea Development in connection with Mr. Watson's collection proceedings.

Accordingly, on behalf of Mr. Twomey and myself, I respectfully request that we be relieved of any responsibility to appear at the status conference on September 24, 2009, as we have not made an appearance in this post-judgment enforcement proceeding and have not been retained by Shea Development to do so.

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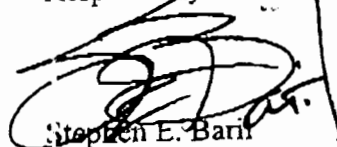


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Thank you for your consideration of our request.

Respectfully submitted,



Stephen E. Barril

SEB/kmb

Enclosure

cc: The Hon. J. Michael McMahon, Clerk of Court (w/enc.)  
James E. Davies, Esq. (w/enc.) (by email)  
Michael E. Twomey, Esq. (w/enc.) (by email)  
Francis E. Wilde, CEO (w/enc.) (by email)

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If counsel has not been retained for purpose of post-judgment proceedings, counsel need not attend. However, this does not relieve plaintiff from the requirement to attend this conference. Plaintiff shall either (1) retain new counsel or (2) appear pro se at the conference. If necessary, arrangements may be made for plaintiff's appearance by telephone.

Mr. Barril is directed to inform plaintiff of the contents of this order immediately.

SO ORDERED DATE: 9/21/09  
  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE